

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**HOOD RIVER COUNTY SCHOOL
DISTRICT,**

Plaintiff-Appellant,

v.

STUDENT,

Defendant-Appellee.

Case No. 3:20-cv-1690-SI

ORDER

Michael H. Simon, District Judge.

On December 15, 2020, the Court heard telephonic oral argument on Plaintiff's Motion for Temporary Restraining Order (ECF 7). Plaintiff-Appellant Hood River County School District (School District) was represented by its counsel, Joel E. Hungerford. Defendant-Appellee Student was represented by his counsel, Taylar Vajda and Diane Wiscarson. After a discussion of the issues in this case and in the related case of *M.F., S.F., and J.F. v. Hood River County School District*, Case No. 3:20-cv-1675, the Court Orders as follows:

1. School District's Motion for Temporary Restraining Order (ECF 7) is denied without prejudice and with leave to renew, if necessary, after January 21, 2021.

2. By stipulation of the Parties, School District shall promptly send to counsel for Student the sum of five thousand dollars (\$5,000.00), which shall be used solely and exclusively to pay for Student's compensatory educational services needed during the next five weeks. If that full amount is not needed for such services during the next five weeks, any remaining balance shall be held by Student's counsel solely and exclusively for Student's future needs for compensatory educational services.

3. Counsel for Student shall promptly provide to counsel for School District all information reasonably necessary for School District to evaluate Student's continuing needs and capacity for compensatory educational services, including but not limited to a signed release of information allowing Student's current educational providers to speak with School District about Student's needs and capacities.

4. The Parties are directed to mediate their dispute in both this case and the related case of *M.F., S.F., and J.F. v. Hood River County School District*, Case No. 3:20-cv-1675, within the next 30 calendar days before U.S. Magistrate Judge Stacie F. Beckerman.

5. The Court will hold a telephonic status conference in this case on Friday, January 22, 2021, at 11:00 a.m.

6. If this case (Case No. 3:20-cv-1690-SI) does not settle by January 21, 2021, the parties should be prepared to discuss at the telephonic status conference on January 22, their proposed schedule for the following:

- a. the lodging of the administrative record;
- b. any necessary supplementation of the administrative record;
- c. the filing of School District's opening brief on the merits;
- d. the filing of Student's responsive brief on the merits;

- e. the filing of School District's reply brief (*not later than March 1, 2021*);
- f. when during the latter half of March 2021 the Parties will be available for a hearing on the merits of School District's appeal; and
- g. whether any issues related to School District's motion for temporary restraining order should be revisited and an appropriate schedule of stipulated additional payments from School District for Student's compensatory educational services through the final resolution by the Court of School District's appeal.

7. By separate Minute Order, the Court will:

- a. deny without prejudice and with leave to renew Student's Motion for Order to Show Cause (ECF 8) in this case; and
- b. grant School District's Motion to Stay in Case No. 3:20-cv-1675-SI (ECF 8).

IT IS SO ORDERED.

DATED this 15th day of December, 2020.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge